

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO.: 5:07-CR-33-RLV-DCK

UNITED STATES OF AMERICA)
)
v.)
)
MICHAEL JEROME HAMPTON,)

)

ORDER

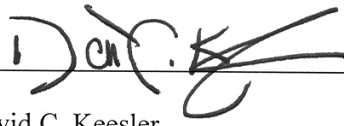
THIS MATTER IS BEFORE THE COURT on the Motion for Modification of Order of Detention to Allow Attendance at Funeral (Document #13) filed by the Defendant, Michael Jerome Hampton, on August 27, 2007. In his motion, the Defendant asks the Court to modify his order of pretrial detention entered June 5, 2007 to allow him a one-day release in order to attend a funeral. The government, through Assistant United States Attorney Thomas O'Malley, opposes this request to allow release for the funeral. The government also opposes the Defendant's alternative request to be transported to the funeral by the United States Marshals Service. While the Court is sympathetic to the Defendant's plight and regrets his loss, the motion must be **DENIED**.

As the Court set forth in its original detention order dated June 5, 2007, the presumption of detention arises under the Bail Reform Act in this case based upon the felony drug charge alleged pursuant to Title 21 U.S. Code § 841. Moreover, in that order, the Court noted that the evidence against the Defendant appears strong based on the government's proffer. Mr. Hampton has a prior criminal record, which includes at least one conviction for a drug felony. Because of this past drug felony conviction, Mr. Hampton faces a maximum penalty in his case of 20 years to life imprisonment. In its Pretrial Services Report, the United States Probation Office recommended detention.

While the Court is sympathetic to Mr. Hampton's situation, it does not constitute grounds for a one-day release from custody. For security reasons, the Court must also decline the Defendant's alternative request that he be transported to the funeral by the U.S. Marshal Service. The Court is constrained to find that the relief sought by the Defendant is simply not available on these facts under the Bail Reform Act.

IT IS THEREFORE ORDERED that the Defendant's Motion for Modification of Order of Detention is hereby **DENIED**.

Signed: August 28, 2007



David C. Keesler
United States Magistrate Judge

